

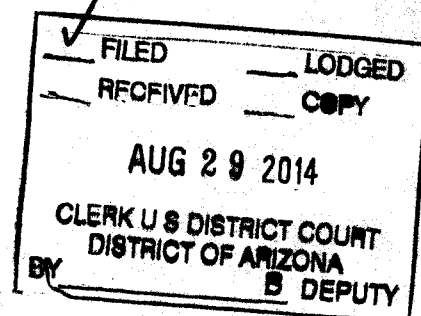
Kenya Hamwright TOS0196
 Name and Prisoner Booking Number
Fourth Avenue Jail

Place of Confinement
201 S. 4th Avenue

Mailing Address
Phoenix, AZ 85003

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)



**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA**

Kenya O're Arshan, Hamwright
 (Full Name of Plaintiff) Plaintiff,

vs.

(1) Lawrence Rosky #9534
 (Full Name of Defendant)

(2) David Snow #10255

(3) Douglas Michael #9035

(4) Marcus Allen #7840

Defendant(s).

☒ Check if there are additional Defendants and attach page 1-A listing them.

CV-14-01920-PHX-SPL(DKD)

CASE NO.

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
 BY A PRISONER**

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: Phoenix Arizona

ADDITIONAL DEFENDANTS

5	christopher moore	# 6930
6	SGT. Rice	# 6976
7	officer. Drelling	# 6208
8	officer. KNaup	# 5572
9	officer. wolferden	# 7931
10	officer. I. Wallace	# 9460
11	officer clark	# 4862
12	officer Grunner	# 8623
13	officer Miner	# 7273
14	Beau Sylvestre	# 8429
15	Jeffrey V. Cianfroga	# 7736

B. DEFENDANTS

1. Name of first Defendant: Lawrence Risky. The first Defendant is employed as:
Detective (Position and Title) at Phoenix Police Department (Institution)
2. Name of second Defendant: David Snow. The second Defendant is employed as:
officer (Position and Title) at Phoenix Police Department (Institution)
3. Name of third Defendant: Douglas Michael. The third Defendant is employed as:
Detective (Position and Title) at Phoenix Police Department (Institution)
4. Name of fourth Defendant: Narcus Allen. The fourth Defendant is employed as:
officer (Position and Title) at Phoenix Police Department (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? 0. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: NONE v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: NONE v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: NONE v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

5. Name of fifth defendant: Christopher Moore. The fifth defendant is employed as: officer at Phoenix Police Department
6. Name of Sixth defendant: (Unknown first name), Rice. The Sixth defendant is employed as: Sargent at Phoenix Police Department
7. Name of Seventh defendant: (Unknown first name), Dreiling. The seventh defendant is employed as: officer at Phoenix Police Department
8. Name of Eighth defendant: (Unknown first name), Knapp. The Eighth defendant is employed as: Officer at Phoenix Police Department
9. Name of Ninth defendant: (Unknown first name), Wolfenden. The ninth defendant is employed as: Officer at Phoenix Police Department
10. Name of Tenth defendant: T. Wallace. The Tenth defendant is employed as: Officer at Phoenix Police Department
11. Name of Eleventh defendant: (Unknown first name), Clark. The Eleventh defendant is employed as: Officer at Phoenix Police Department
12. Name of Twelfth defendant: (Unknown first name), Grunner. The Twelfth defendant is employed as: Officer at Phoenix Police Department
13. Name of thirteenth defendant: (Unknown first name), Miner. The thirteenth defendant is employed as: Officer at Phoenix Police Department

14. name of fourteenth defendant: Beau Sylvestre. The fourteenth defendant is employed as: Officer at Phoenix Police Department.

15. name of fifteenth defendant: Jeffrey V. Cianfroga. The fifteenth defendant is employed as: Officer at, Phoenix Police Department.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: 4th amendment of the United States Constitution

2. Count I. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Illegal Seizure</u> | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

on 2-1-14 officer Sylvestre #8429 and officer Claitor #7730 received information from Jordan Norman, about the possible whereabouts of: Derrick Williams, Darryl Tubright, Jonnell Wooten and Shaquille Swell. The alleged suspects of the shooting in which they were investigating. Jordan Norman showed the officers an apartment at 4620 W. McDowell Road #2151 phx AZ 85035. Jordan told the officers that they would be inside armed with handguns, and that Jonnell sells crack out of the apartment. The officers called in for back up to set up surveillance on the apartment. The S52 Squad (Sgt. Rice 6976, off. Dreiling 6750, off. Knap 5572, off. Wolfenden 7931, off. I. Wallace 9460, off. Clark 4862, off. Grunner 8623, off. Miner 7273) Det. Rusky 9534, and off. Snow 6255 along with the Phoenix Gang task force were called in for help. Two males were seen leaving apartment #2151 enter a gray 2007 impala. A traffic stop was done by the S52 Squad and gang task force and Mr. Hamwright was arrested for questioning allegedly. No traffic citation was handed out. Mr. Hamwright arrested without a warrant or probable cause. I was not a target of the investigation, the police knew exactly who their targets were.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I was illegally detained/arrested. The Phoenix Police Department operations order 4.10 pages Arrest without a warrant: 1 officer may arrest without a warrant under the following conditions: in a public place, a place open to the public, or a place an officer has legal right to

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
- Did you submit a request for administrative relief on Count I? ☐ Yes ☒ No
- Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. there are no other remedies for illegal police actions.

4. be, with probable cause to believe a crime occurred and probable cause to believe the person to be arrested committed the crime.

4.11 page 1 Probable cause to arrest: Facts and circumstances, and any rational inferences therefrom, that would lead a reasonable police officer to believe a crime has been or is being committed, and the Subject to be arrested committed that crime.

Seizure: A person has been seized if under a totality of the circumstances, a reasonable person would believe he/she was not free to go.

4.11 page 18 Field interrogation and investigative detention

1) officers must be able to articulate specific facts to show the detention was based upon a founded suspicion and was not done arbitrary or for the purpose of harassment.

(b) officers are not prohibited from contacting people and engaging them but;

a) the people need not cooperate with the officer

b) if the officers lack reasonable suspicion to detain a person OFFICERS SHALL NOT STOP OR DETAIN THE PERSON MERELY BASED ON THEIR DESIRE TO SPEAK WITH THE PERSON

COUNT II

1. State the constitutional or other federal civil right that was violated: 5th Amendment of the United States Constitution

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- ☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☒ Other: Deprived of life, liberty and property.

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

once the traffic stop was done, an illegal detention / arrest followed. Officers conducting these illegal acts confiscated \$1394.06 a cell phone, wallet and a set of keys. Mr. Hawthorn was placed under arrest at 11:43 am on 2-1-14. Driven to Phoenix police headquarters and held in custody. Denied the right to speak with an attorney, denied the right to remain silent, denied my right to move about free from restraint and denied my right to keep my personal property with no explanation whatsoever.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

once I was placed under arrest without a warrant or probable cause. My liberty was taken away with my personal property being seized. Phoenix Police operations order 4.11 page 1 Seizure: property has been seized when there is some

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
- b. Did you submit a request for administrative relief on Count II? ☐ Yes ☒ No
- c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. because there are no grievance procedures for arrestees.

4. meaningful interference with an individual's/possessor's interest in that property. The phoenix police had no reason for the arrest conducted without a warrant or probable cause; and also had no reason to illegally seize the \$1394⁰⁰, cell phone, wallet or Keys.

COUNT III

1. State the constitutional or other federal civil right that was violated: 8th amendment of the United States Constitution

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- ☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☒ Other: Cruel and Unusual punishment

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Because of the illegal detention/arrest. (1) MR. Hamwright was held in police custody for almost 7 hours before my miranda rights were read. (9:35pm) 11:43am - 6:35pm I was held in police custody. After my illegal detention/arrest at 11:43am, the 552 squad returned back to 4620 W. McDowell Road #2151 phx AZ 85035. An began to call out the targets of their investigation by name, then a voice from inside the apartment stated that "they should not open the door until they flushed all of their drugs". See off. Sylvestre 8429 and off. Cantelmo 7730 Affidavit for search warrant page 7. The targets eventually surrendered to police. The individuals taken into custody from inside the apartment #2151 were: Deric McWilliams, Darily Fulbright, Jontrell Wooten and Breanna Dobb's. Shaquille Swell was arrested a couple of hours later. As soon as the specific targets were taken to police headquarters their interrogations began. Darily Fulbright arrested 12:00-12:30pm interviewed 2:17pm. Jontrell Wooten arrested 12:00-12:30pm interviewed 2:42pm Shaquille Swell arrested at 2:00 interviewed at 4:31pm. Each one interviewed by different officers.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Because of the illegal arrest and prolonged detention of MR. Hamwright the Phoenix police made false statements in the Affidavit for search warrant to justify the illegal arrest. And to justify the illegal arrest.

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
- b. Did you submit a request for administrative relief on Count III? ☐ Yes ☒ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. None available

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

3 During this time a search warrant was written by off. Sylvette 8429 and Cianfroga 7730 and signed by magistrate Hamner at 3:22 pm. The actual search began at 3:46 pm. Exactly 24 minutes after it was signed. At which time Mr. Hamwright sat and waited to be interviewed sure he was denied his right to speak with an attorney, and denied his right to remain silent. During the search of Apartment #2151 (which the police knew a Marissa Diaz lived there) 5 guns were found behind a refrigerator and 8 rock like substances (individually packaged) were found floating in a toilet bowl. Some marijuana was found floating loosely in the same toilet bowl. After the search was done then officers decided it was time to interview Mr. Hamwright. Phoenix Police operations order 4.11 page 11 there must be reasonable connection between subject to be detained and the crime charged.

The subject may be detained for a maximum of three (3) hours.

4. The phoenix police department blame Mr. Hamwright for one of the guns (they did not say which one) found in Marissa Diaz's apartment, and the drugs found floating in the toilet of Marissa Diaz's apartment. The exact same apartment #2151 the officers claimed a voice from inside said "they will not open the door until THEY FLISHED ALL OF THEIR DRUGS". It could not of been myself since I was already in police custody. The Phoenix Police took Mr. Hamwright into the Yuma Jail on:
1 Count Poss. Narcotics for Sale

4. I count poss. of marijuana use

all which were found floating in a toilet.

I count misconduct involving weapons

found behind a refrigerator of Marissa Diaz's apartment. It should be noted that no guns or drugs were found in my possession or within my immediate control.

and that the Phoenix police were aware of my home address (2008 N. 47th drive Phoenix AZ 85035). I've been

incarcerated 198 days on counting as of 8/18/14. The

Phoenix Police continue to pursue false charges thru false documents and statements to hide from the truth.

this has been an on going situation between myself and the City of Phoenix Police department. Harassment, illegal arrests, false charges. this is the third incident since February 23, 2012 until now. I've been arrested on three

separate times only because the Phoenix police can. all three times it's the same arrested for a crime I haven't committed then later set free.

E. REQUEST FOR RELIEF

State the relief you are seeking:

Due to the Continued harassment and the illegal arrest and being deprived of every constitutional right I have Im asking for a judgement of (\$30,000,000) thirty million dollars for each constitutional violation, and an additional (\$5,000,000) five million from each officer involved individually. Bringing a total of (\$166,000,000) one hundred and sixty six million dollars.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

8.21.2014

DATE

Kenyon Hamwright
SIGNATURE OF PLAINTIFF

None

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

None

(Signature of attorney, if any)

None

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

MARICOPA COUNTY SHERIFF'S OFFICE
JOSEPH M. ARPAIO, SHERIFF

CERTIFICATION

I hereby certify that on this date 8/26/14

I mailed the original and one (1) copy to the Clerk of the United States District Court,
District of Arizona.

I further certify that copies of the original have been forwarded to:

___ Hon _____ United States District Court, District of Arizona.

___ Hon _____ United States District Court, District of Arizona.

___ Attorney General, State of Arizona, _____

___ Judge _____ Superior Court, Maricopa County, State of Arizona.

___ County Attorney, Maricopa County, State of Arizona _____

___ Public Defender, Maricopa County, State of Arizona _____

___ Attorney _____



INMATE LEGAL SERVICES
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